

## SOLE SOURCE/SOLE BRAND JUSTIFICATION

### OVERVIEW:

On rare occasions there may be a need to purchase goods or services from one vendor/contractor without going to formal bid or requesting competitive quotations. This is known as “Sole Source” purchasing. This document does not replace an Agreement.

“Sole Source” purchasing is authorized by Monterey County Code 2.32.040, Emergency Purchases, and by Monterey County Code 2.32.070, Competitive Bidding Not Required.

“Sole Source” purchasing may be necessary under certain circumstances such as an emergency wherein the department head or other County Official who is authorized to sign requisitions may purchase items for the continuance of the department function, or that items purchased are necessary for the preservation of life or property, and that no authorized purchasing department personnel are immediately available to make the purchase.

A sole source may be designated when it is apparent that a needed product or service is uniquely available from the source, or for all practical purposes, it is justifiably in the best interest of the County. The designation of a “Sole Source” supplier must be authorized by the County Purchasing Agent or Deputy-Purchasing Agent before the requirement for competitive quotations is waived.

In an effort to expedite sole source/brand requisition requests through Contracts/Purchasing, we would encourage you to review the criteria for Sole Source/Brand form herein. If you feel your request meets such criteria, follow the instructions in filling out the form, along with a Department Head signature approving the request on behalf of their department. If sole source/brand justification is warranted and accepted by Purchasing, the request shall be signed by the Contracts/Purchasing Officer (CPO).

This is an internal review process. Departments are requested to use discretion in their discussion with vendors so as not to compromise any competitive advantage the Buyer may utilize, regardless of the acceptance or rejection of the sole source/brand justification.

Contracts/Purchasing will advise you when a particular competitive review process may both serve the County better and/or be required by governing law.

The **JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST** is **NOT** an agreement.

L3Harris Technologies

Revised:  
April 21, 2022

**PROCEDURE:**

Sole source/brand purchasing is an exception to the normal procurement function and requires a detailed justification. In processing sole source/brand requests for supplies, services and/or equipment, Contracts/Purchasing adheres to and is governed by the principles set forth in both the Federal and State Laws governing public purchasing and the Public Contract Code, and by the adopted and approved County of Monterey Policies and Procedures.

If you are requesting a particular vendor, brand, or product, you must make this fact clear on your request. Such a request should not be made unless the request is reasonable and appropriately justified to meet legal requirements and can withstand a possible audit. The County requirements and the format for submitting such requests are contained herein.

The **JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST** is **NOT** an agreement.

The following factors **DO NOT** apply to sole source/brand requests and should not be included in your sole source/brand justification. They will not be considered and only tend to confuse the evaluation process.

1. Personal preference for product or vendor
2. Cost, vendor performance, and local service (this may be considered an award factor in competitive bidding)
3. Features which exceed the minimum department requirements
4. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors
5. A request for no substitution submitted without justification. This is a sole source/brand request requiring detailed justification including established sole source/brand criteria

Please make copies of the Criteria for Sole Source/Brand form for your future use.

**County of Monterey**  
**General Services- Contracts/Purchasing Division**  
**JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST**

Date 7/19/22

1. Please indicate the following:

Procurement:  Goods  
 Services

Description of Item: software releases and security updates

(Check One)

Sole Source: Item is available from one source only. Item is a one-of-a kind and is not sold through distributors. Manufacturer is the exclusive distributor.

Sole Brand: Various sources can supply the specified model and brand and competitive bids will be solicited for the requested brand only. Meets form, fit and function- nothing else will do.

Note: Sole Source/Sole Brand Requests are not maintained as a standing request. Each request is for a single one-time purchase only.

Sole Source/Sole Brand Request is not an Agreement.

2. Vendor Selection:

Preferred Vendor  
 Sole Source

Vendor Name: L3Harris Technologies

Address: 221 Jefferson Ridge Parkway City: Lynchburg State: VA

Phone Number: ( 858 ) 342-8714 Fax: ( )

Contact Person: Rob Nelson Title: \_\_\_\_\_

Federal Employer #: 34-0276860

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3. Provide a brief description of the goods/services to be purchased and why this purchase is being proposed under a sole source acquisition.

a) Why were product and/or vendor chosen?

L3Harris Technologies has provided Next Generation Radio System upgrades since 2010. This is a primary and redundant server systems, switches, and radio frequency components system that run software that needs both updating and securing on a regular basis.

b) What are the unique performance features of the product/brand requested that are not available in any other product/brand? For Services: what unique qualifications, rights, and licenses does the vendor possess to qualify as a sole source/brand request?

L3Harris Technologies provide special configured and tested security releases, and software updates which optimize loading and operation on the hardware platforms which were purchased in support of the Next Generation radio system.

c) Why are these specific features/qualifications required?

The original agreement with L3Harris Technologies installed hardware systems operating with the most current versions of software and that security software is kept up-to-date securing hardware and software systems protected from intrusion and/or corruption.

d) What other products/services have been examined and/or rejected?

None.

e) Why are other sources providing like goods or services unacceptable (please give a full meaningful explanation)?

These software and security release packages are built exclusively by L3Harris Technologies for systems produced and installed by L3Harris Technologies. Other vendor solutions would not work for their systems.

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- f) What are the unique performance features REQUIRED (not merely preferred), and how would your requirement be inhibited without this particular item or service?

These software and security updates will ensure L3Harris Technologies hardware and software systems are updated to the latest release version and that all systems and software components are protected with the latest security updates and features. Without these updates, the Next Generation system would be vulnerable to malicious cyber intrusion and attack, becoming a danger to public safety communications and the safety of our Monterey County citizens.

- g) Estimated Costs:

\$109,000.00 annually; \$545,000 for 5 years.

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4. Is there an unusual or compelling urgency associated with this project?

- No
- Yes (Please describe)

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**THE FOLLOWING TO BE COMPLETED BY THE REQUESTOR**

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I hereby certify that:

1. I am an approved department representative and am aware of the County's requirements for competitive bidding, as well as the criteria for justification for sole source/brand purchasing.
2. I have gathered the required technical information and have made a concentrated effort to review comparable and/or equal equipment.
3. The information contained herein is complete and accurate.
4. There is justification for sole source/brand purchasing noted above as it meets the County's criteria.
5. A sole source/brand purchase in this case would withstand a possible audit or a vendor's protest.

DocuSigned by:  
*Steve Paxton*  
F89AF02DB1D9444

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Requestors Signature

7/19/2022 | 9:22 AM PDT

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Date

DocuSigned by:  
*Eric Chatham*  
747D862C7BD04AE...

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Authorized Signature by Department Head

7/19/2022 | 9:25 AM PDT

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Date

DocuSigned by:  
*Debra R. Wilson*  
7B741937AA0041B...

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Approved by Contracts/Purchasing Officer

7/19/2022 | 10:03 AM PDT

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Date